

ESTTA Tracking number: **ESTTA533686**

Filing date: **04/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chicago Cubs Baseball Club, LLC
Granted to Date of previous extension	04/21/2013
Address	1060 West Addison Street Chicago, IL 60613 UNITED STATES
Attorney information	Maryann E. Licciardi Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036-6799 UNITED STATES mel@cll.com, trademark@cll.com, jmn@cll.com Phone:212-790-9200

Applicant Information

Application No	85621453	Publication date	10/23/2012
Opposition Filing Date	04/22/2013	Opposition Period Ends	04/21/2013
Applicant	Cancer Therapeutics Innovation Group, LLC 777 Third Avenue, Suite 14A New York, NY 10017 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Venture capital fund management
Class 042. All goods and services in the class are opposed, namely: Conducting research and clinical trials relating to pharmaceuticals

Applicant Information

Application No	85621457	Publication date	10/23/2012
Opposition Filing Date	04/22/2013	Opposition Period Ends	
Applicant	Cancer Therapeutics Innovation Group, LLC 777 Third Avenue, Suite 14A New York, NY 10017 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Venture capital fund management
Class 042. All goods and services in the class are opposed, namely: Conducting research and clinical trials relating to pharmaceuticals

Applicant Information

Application No	85621465	Publication date	10/23/2012
Opposition Filing Date	04/22/2013	Opposition Period Ends	
Applicant	Cancer Therapeutics Innovation Group, LLC 777 Third Avenue, Suite 14A New York, NY 10017 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Venture capital fund management
Class 042. All goods and services in the class are opposed, namely: Conducting research and clinical trials relating to pharmaceuticals

Applicant Information

Application No	85621503	Publication date	10/23/2012
Opposition Filing Date	04/22/2013	Opposition Period Ends	
Applicant	Cancer Therapeutics Innovation Group, LLC 777 Third Avenue, Suite 14A New York, NY 10017 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Venture capital fund management
Class 042. All goods and services in the class are opposed, namely: Conducting research and clinical trials relating to pharmaceuticals

Grounds for Opposition

Other	See attached pleading.
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Attachments	C CANCER FUNDS - Letter to Commissioner 042213.pdf (1 page)(263126 bytes) C CANCER FUNDS - Notice of Opposition 042213.pdf (6 pages)(158096 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Maryann E. Licciardi/
Name	Maryann E. Licciardi
Date	04/22/2013



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April 22, 2013

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Chicago Cubs Baseball Club, LLC's
Consolidated Notice of Opposition against
Cancer Therapeutics Innovation Group, LLC's
Applications to Register C COLON CANCER FUND and Design,
C LUNG CANCER FUND and Design, C PANCREATIC
CANCER FUND and Design, and C PROSTATE CANCER
FUND and Design
Our Ref. No.: 21307.011

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 85/621,453, 85/621,457, 85/621,465 and 85/621,503 published in the Official Gazette on October 23, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$2400 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin, Esq. of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Maryann E. Licciardi/
Maryann E. Licciardi

Enclosure

cc: Mary L. Kevlin, Esq. (w/encs.)
Diane Kovach (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos. 85/621,453, 85/621,457, 85/621,465 and 85/621,503

Filed: May 10, 2012

For Marks: C COLON CANCER FUND and Design, C LUNG CANCER FUND and Design, C
PANCREATIC CANCER FUND and Design, and C PROSTATE CANCER FUND and Design


Published in the Official Gazette: October 23, 2012


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CHICAGO CUBS BASEBALL CLUB, LLC,	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	<u>CONSOLIDATED</u>
	:	<u>NOTICE OF OPPOSITION</u>
CANCER THERAPEUTICS INNOVATION	:	
GROUP, LLC,	:	
	:	
Applicant.	:	
-----X		


Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Chicago Cubs Baseball Club, LLC (“Opposer”), a Delaware limited liability
company with offices at 1060 West Addison Street, Chicago, Illinois 60613, believes that it will
be damaged by registration of the following:

a) C COLON CANCER FUND and design mark:  (“Applicant’s C COLON
CANCER FUND Mark”), as shown in Application Serial No. 85/621,453;

b) C LUNG CANCER FUND and design mark:  (“Applicant’s C LUNG
CANCER FUND Mark”), as shown in Application Serial No. 85/621,457;

c) C PANCREATIC CANCER FUND and design mark:  PANCREATIC CANCER FUND (“Applicant’s C PANCREATIC CANCER FUND Mark”), as shown in Application Serial No. 85/621,465; and

d) C PROSTATE CANCER FUND and design mark:  PROSTATE CANCER FUND (“Applicant’s C PROSTATE CANCER FUND Mark”), as shown in Application Serial No. 85/621,503,

each for “Venture capital fund management” in International Class 36 and for “Conducting research and clinical trials relating to pharmaceuticals” in International Class 42, and having been granted extensions of time to oppose up to and including April 21, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned CHICAGO CUBS MAJOR LEAGUE BASEBALL club.

2. Since long prior to May 10, 2012, Applicant’s constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used various stylized “C” marks, including, without limitation, in the following distinctive stylizations:



alone or with other word, letter and/or design elements (collectively, “Opposer’s Stylized C Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, charitable services, financial services, fundraising, healthcare services, apparel, paper goods and printed matter, toys and sporting goods and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's Stylized C Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34 and 41; namely, Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297,664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 1,916,572; 2,506,407; 2,667,880; 3,231,135; 3,320,037; 3,320,038; 3,320,039; 3,320,040; 3,326,192; 3,395,907; 3,403,043; 3,403,046; 3,545,454 and 3,854,382. Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297,664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 2,506,407 and 2,667,880 are incontestable. Registration No. 1,916,572 is partially incontestable.

4. Since long prior to May 10, 2012, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Stylized C Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, charitable services, financial services, fundraising, healthcare services, apparel, paper goods and printed matter, toys and sporting goods and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's Stylized C Marks, Opposer has built up highly valuable goodwill in Opposer's Stylized C Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On May 10, 2012, Applicant filed Application Serial Nos. 85/621,453, 85/621,457, 85/621,465 and 85/621,503 (collectively, the "Applications") for, respectively, Applicant's C COLON CANCER FUND Mark, Applicant's C LUNG CANCER FUND Mark, Applicant's C PANCREATIC CANCER FUND Mark and Applicant's C PROSTATE CANCER

FUND Mark (collectively, “Applicant’s Stylized C Marks”), all for “Venture capital fund management” in International Class 36 and for “Conducting research and clinical trials relating to pharmaceuticals” in International Class 42, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant’s Stylized C Marks for the services covered in the Applications in United States commerce prior to May 10, 2012, Applicant’s constructive first use date.

8. The services covered by the Applications are closely related to the goods offered and services rendered in connection with Opposer’s Stylized C Marks.

9. Applicant’s Stylized C Marks, which each contain a prominent stylized letter C that is virtually identical to Opposer’s Stylized C Marks, so resemble Opposer’s Stylized C Marks as to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of certificates of registration for Applicant’s Stylized C Marks.

10. Opposer’s Stylized C Marks are distinctive and famous and were so prior to May 10, 2012, Applicant’s constructive first use date. Opposer would be further injured by the granting of a certificate of registration for Applicant’s Stylized C Marks because such marks are likely to dilute the distinctive quality of Opposer’s Stylized C Marks by blurring.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant’s Marks and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Maryann E. Licciardi (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
April 22, 2013

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Maryann E. Licciardi/

Mary L. Kevlin
Richard S. Mandel
Maryann E. Licciardi

1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 22, 2013, I caused a true and correct copy of the foregoing *Consolidated Notice of Opposition* to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Peter J. Willsey, Esq., Cooley LLP, 777 6th St NW Ste 1100, Washington, District of Columbia 20001-3706 (address of record) and 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004 (current address).

Dated: New York, New York
April 22, 2013

/Maryann E. Licciardi/
Maryann E. Licciardi